

# D.C. Circuit Participation in National Judicial Activities

## U.S. Judicial Conference

By statute, the chief policymaking body for the federal judiciary on the national level is the U.S. Judicial Conference. 28 U.S.C. § 331. The Conference, originally known as the Conference of Senior Judges, was established in 1922. Since that time, the Conference has undergone substantial modification in composition and responsibility. Originally, only the chief judge of each circuit participated in the Conference; now one district court judge from each circuit, as well as all circuit chief judges participate. The Conference, which convenes in the spring and fall of each year, is chaired by the Chief Justice of the United States. Chief Judge Harry T. Edwards and Chief Judge Norma Holloway Johnson serve as the D.C. Circuit's representatives.

The Conference oversees all major aspects of national judicial administration. This broad mandate includes responsibility for formulating policy, establishing national standards, developing the federal judiciary's budget for presentation to Congress, evaluating judicial work loads, and recommending and commenting on legislation that affects judicial operations.

Most of the work of the Conference is accomplished by an extensive network of standing and special committees. Federal judges from across the nation serve as members of the committees, and the Administrative Office and the Federal Judicial Center provide staff support. The Chief Justice makes committee appointments for three-year terms. Generally, judges do not serve more than two consecutive terms on any one committee.

As in the past, the D.C. Circuit continued to be well-represented on Conference committees. The following D.C. Circuit judges were serving on Conference committees at the close of 1999:

District Judge James Robertson  
Committee on Automation and Technology

Circuit Judge Douglas H. Ginsburg  
Committee on the Budget

Circuit Judge Judith W. Rogers  
Committee on Codes of Conduct

District Judge Gladys Kessler  
Committee on Court Administration and  
Case Management

District Judge Emmet G. Sullivan  
Committee on Criminal Law

District Judge Henry H. Kennedy, Jr.  
Committee on Defender Services

Senior District Judge Stanley S. Harris, Chair  
Committee on Intercircuit Assignments

Senior District Judge Joyce Hens Green  
Committee on the Judicial Branch

Circuit Judge David S. Tatel  
Committee on Judicial Resources

District Judge Paul Friedman  
Advisory Committee on Criminal Rules

District Judge Ricardo M. Urbina  
Committee on Security and Facilities

d.c. circuit  
organization and  
administration





E. Barrett Prettyman United States Courthouse, Washington, D.C.

Photograph by Joseph Bailey

## The District of Columbia Circuit

The District of Columbia Circuit is composed of three courts: the United States Court of Appeals for the District of Columbia Circuit, the United States District Court for the District of Columbia, and the United States Bankruptcy Court for the District of Columbia. While most federal circuits encompass courts located in several different states, the District of Columbia Circuit is unique in that the judicial officers and staff of all three courts are located in one building — the E. Barrett Prettyman United States Courthouse in Washington, D.C.

Although the individual courts of the circuit operate independently, they are interdependent in many respects. In addition to sharing many common concerns and needs, the courts also share responsibility for a variety of administrative duties. Several entities assist the courts with these circuit-wide issues: the Circuit Judicial Council, the Circuit Judicial Conference, the Office of the Circuit Executive, and the Circuit Library.

### *The Courts of the Circuit*

There are 12 active judgeships on the Court of Appeals. During 1998 and 1999, there was one senior judge on the court. At the close of 1999, there were two vacancies on the Court of Appeals. The first was created when Judge James L. Buckley took senior status in September 1996. The second occurred when Judge Patricia M. Wald stepped down in November 1999 to accept a judicial appointment to the United Nations war crimes tribunal at The Hague.

The District Court has 15 active judgeships. During 1998 and 1999, there were ten senior judges. In addition, there are three authorized magistrate judges and one bankruptcy judge.

There have been four vacancies on the District Court over the course of the past two years. Two have been filled. In 1998 Judge Richard W. Roberts took the oath of office, filling a vacancy created when Judge Charles R. Richey took se-

nior status in 1997. In October 1999, Judge Ellen Segal Huvelle was appointed to fill the vacancy that occurred when Judge John Garrett Penn took senior status in March 1998. The vacancies created when Judge Stanley S. Harris and Judge Stanley Sporkin took senior status in 1996 and 1999 respectively, remain unfilled.

Judge Sporkin retired from senior service in January 2000.

Finally, during the past two years, the circuit has mourned the deaths of four judges. Circuit Judge Spottswood W. Robinson III died in October 1998. He had served more than 25 years on the Court of Appeals — five as the Chief Judge of the Circuit — and also served on the District Court for two years. Judge Oliver Gasch died in July 1999. He had served on the District Court for 34 years. Following 22 years on the District Court bench, Judge Harold H. Greene passed away in January 2000. And, in February 2000, Judge Aubrey E. Robinson, Jr., died after more than 33 years of service on the District Court — ten of them as Chief Judge. The courts were greatly saddened by the passing of these esteemed jurists and valued colleagues.

# District of Columbia Circuit Judicial Council

The primary function of the circuit judicial councils is to improve the administration of justice by acting on issues that affect the internal operations of the entire circuit. Each council is empowered by statute to "... make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit." 28 U.S.C. § 332 (d)(1). Within this broad grant of supervisory power, the councils have two important mandates: formulation of circuit policy and implementation of policy directives received from both the United States Judicial Conference and, in some instances, Congress.

The law provides that each council must consist of the chief judge of the court of appeals and an equal number of appellate and district court judges. The judges in regular active service determine the size of their councils by majority vote, though the councils are free to develop their own procedures with respect to the selection of council members. The chief judge of each circuit serves as the presiding officer of his or her council.

The D.C. Circuit Judicial Council consists of 13 members. Meetings are called at least twice each year, and special meetings are held when necessary. At the close of 1999, the members were:

Chief Circuit Judge Harry T. Edwards

Circuit Judge Laurence H. Silberman

Circuit Judge Stephen F. Williams

Circuit Judge Douglas H. Ginsburg

Circuit Judge Judith W. Rogers

Circuit Judge David S. Tatel

Circuit Judge Merrick B. Garland

Chief District Judge Norma Holloway Johnson

District Judge Thomas F. Hogan

District Judge Paul L. Friedman

District Judge Ricardo M. Urbina

District Judge Colleen Kollar-Kotelly

District Judge Henry H. Kennedy, Jr.

## *Council Actions in 1998 and 1999*

In 1998 and 1999, the Judicial Council of the D.C. Circuit took action on numerous matters affecting circuit operations, including:

- approval of amendments to the Court of Appeal's *Plan to Implement the Criminal Justice Act of 1964* to require appointed counsel to provide a greater degree of specificity in support of their claims for compensation;
- approval of employment dispute resolution plans for Court of Appeals and District Court employees;
- endorsement of several amendments to the District Court's *Jury Selection Plan* to reflect the implementation of new jury management software;
- approval of site and program proposals for the Circuit Judicial Conferences;
- consideration of requests for temporary emergency personnel from judges whose unique caseload requirements necessitated additional temporary assistance;
- adoption of guidelines for approving staff and space for senior circuit judges; and
- approval of the District Court's response to the U.S. Judicial Conference's Biennial Judgeship Needs Survey requesting that vacancies on the District Court be filled.

In fulfillment of its other statutory and governance duties, the council also identified all CJA vouchers pending more than 90 days, monitored the status of judicial misconduct complaints, tracked the status of the annex project, certified senior judges for staff and space, received briefings on security matters affecting the circuit, and monitored expenditures of circuit-wide funds.

## District of Columbia Circuit Judicial Conference

The 57<sup>th</sup> Judicial Conference of the District of Columbia Circuit was held in Williamsburg, Virginia in June 1998. During the two-day conference, the judges and managers of the D.C. Circuit, together with members of the local bar, met to review the business of the courts and to make recommendations for improving the administration of justice within the circuit. Panel discussions focused on some of the challenges faced by the District of Columbia, the impact of these challenges on the work of the circuit, and the role of the legal community in addressing these issues.

In the opening session, Chief Judge Edwards and Chief Judge Johnson summarized recent events on their courts. Following his remarks, Chief Judge Edwards introduced the newest member of the Court of Appeals, Judge Merrick B. Garland, to the assembled judges, attorneys and guests. Chief Judge Johnson introduced the two new members of the District Court, Judges Colleen Kollar-Kotelly and Henry H. Kennedy, Jr., as well as recently appointed Magistrate Judge John M. Facciola. Members of the conference also considered and unanimously passed a resolution increasing the recommended annual commitment of pro bono services per lawyer from 40 to 50 hours and increasing the recommended annual financial contribution (which is an alternative to the time commitment) from \$200 to \$400 per lawyer.

One of the highlights of the five panel presentations that followed was a discussion of the role of District lawyers in promoting the well-being of the city. Among other issues, panelists addressed the potential for achieving positive change through pro bono activities. The panel consisted of Chief Justice William H. Rehnquist and then-D.C. Bar President Carolyn B. Lamm, as well as Myles V. Lynk and the Honorable Stephen J. Pollak – both past presidents of the D.C. Bar. David Luban, Professor of Law and Philosophy at Georgetown Law Center, moderated.

A panel on *The Management, Culture and Resources of the District of Columbia* focused on positive developments within the D.C. Government and offered insights into the operations of the government. The panel consisted of the Honorable John M. Ferren, the Honorable Eric H. Holder, Jr., John Payton, E. Barrett Prettyman, Jr., Daniel A. Rezneck, the Honorable Charles Ruff, Pauline A. Schneider and moderator Professor Roger W. Wilkins.

Focusing on the structure of the District of Columbia government, Professor Wilkins also led then-Mayor Marion Barry, Jr., Dr. Andrew F. Brimmer, Colbert I. King and the Honorable Franklin D. Raines in a discussion addressing, among other topics, the usefulness of consent degrees for eliminating deficiencies in government performance.

The conference also included lively debates on education and law enforcement in the District. The Honorable Eric H. Holder, Jr., Deputy Attorney General of the United States, moderated a panel consisting of Professor Angela Jordan Davis, Stephen D. Harlan, Police Chief Charles H. Ramsey, the Honorable Howard Safir and the Honorable Reggie B. Walton. The education panel, moderated by William L. Taylor, included Arlene Ackerman and General Julius W. Becton, Jr., Superintendent and immediate-past Superintendent of the D.C. Public Schools, as well as Sandra Feldman, Delabian L. Rice-Thurston and Donna L. Wulkan.

Conferees also witnessed well-deserved tributes to two individuals who have added immeasurably to the administration of justice within the circuit. During a presentation marked by a long and very warm standing ovation, Judge William B. Bryant received the Professionalism Award from the American Inns of Court. The award is given annually to one senior lawyer or judge in each circuit whose “life and practice display sterling character and unquestioned integrity, coupled with ongoing dedication to the highest standards of the

legal profession and the rule of law.” In addition, on behalf of the entire circuit, Chief Judge Edwards paid special tribute to Linda J. Ferren for her ten years of exemplary service as Circuit Executive.

Circuit Judge David S. Tatel chaired the Arrangements Committee for the 57<sup>th</sup> conference. Other members were Circuit Judge Merrick B. Garland; District Judges Thomas F. Hogan, Gladys Kessler, and Emmet G. Sullivan; and attorneys Marcia D. Greenberger, Andrew H. Marks, John Nolan, Richard W. Roberts and Victoria Toensing. The Parliamentarian was Circuit Judge Judith W. Rogers. Circuit Executive Jill C. Sayenga served as Secretary to the conference, and Chief Judges Harry T. Edwards and Norma Holloway Johnson served as *ex officio* members of the committee. The members of the 1998 Judicial Conference Standing Committee on Pro Bono Legal Services were Stephen J. Pollak, Chair, Mary E. Baluss, Susan M. Hoffman, Judith Richards Hope, Myles V. Lynk, Andrew H. Marks, Pauline A. Schneider, Robert N. Weiner and Thomas S. Williamson, Jr.



Judge William B. Bryant receiving the 1998 Professionalism Award from Don Stumbaugh, Executive Director, American Inns of Court



Chief Judge Harry T. Edwards with Circuit Judge David S. Tatel, Conference Arrangements Committee Chair



Chief Justice William H. Rehnquist and Chief Judge Norma Holloway Johnson





Panel Discussion - Lawyer Responsibility and the District of Columbia



Stephen J. Pollak and Linda J. Ferren with  
Judges Merrick B. Garland, Colleen Kollar-Kotelly and Henry H. Kennedy, Jr.



Warming up for the Fun Run

## Office of the Circuit executive



Jill Sayenga  
Circuit Executive

The Office of the Circuit Executive was established in 1971 to provide management assistance to all courts of the circuit. The primary function of the Circuit Executive's Office is to facilitate the administrative operations of the circuit. The Circuit Executive

performs three separate but related roles.

As the Secretary to the Circuit Judicial Council, the Circuit Executive serves as the executive officer of the Council, providing such administrative services as implementing policies, developing programs, organizing and staffing council committees, and performing other duties mandated by Congress or the U.S. Judicial Conference. Under the direction of the Council, the Circuit Executive is also responsible for plan-

ning and organizing circuit judicial conferences.

In addition, the Circuit Executive serves as the administrative and management assistant to the Chief Judge of the Circuit. In this role, the Circuit Executive acts as the principal administrative officer of the circuit, performing a wide range of nonjudicial duties, including the development and administration of alternative dispute resolution programs, space and facilities management, automation planning and development, financial planning and oversight, and inter-office coordination. In addition, the Circuit Executive serves as the Chief Judge's representative and the circuit's liaison to many committees, agencies and organizations involved in circuit activities such as the Historical Society of the District of Columbia Circuit.

Finally, the Circuit Executive is a chief staff officer of the Court of Appeals, responsible for coordinating such nonjudicial aspects of Court of Appeals operations as budget development, planning and oversight; supervision of automation support activities; space planning; and the coordination of special events.

## judges' library



Nancy Padgett  
Circuit Librarian

The Judges' Library provides a full range of library support services to the circuit's judicial officers and staff. These services include performing research, acquiring reference materials, developing and maintaining the Library's and chambers' collections, procuring law books,

periodicals and other reference materials, and providing technical support. Located on the third and fifth floors of the courthouse, the Judges' Library is under the direction of an intercircuit committee composed of Circuit Judge Merrick B. Garland and

Senior District Judge Louis F. Oberdorfer.

The Library's collection includes more than 150,000 books, over 300 periodicals and many large microform sets such as Supreme Court briefs, congressional hearing records and both the *New York Times* and *The Washington Post*. Numerous books and other reference materials are also available on CD-ROMs, which judges and court staff throughout the circuit are able to access on their desktop PCs.

Because the Judges' Library maintains a complete collection of congressional documents, it serves as a primary source for these materials. The Library assists the other federal circuit libraries, as well as many executive branch agencies and private law firm libraries throughout the Washington Metropolitan area, by lending items from this extensive collection.

The Library is open to members of the bar.